



Department of Energy
Washington, DC 20585

November 5, 2008

MEMORANDUM FOR DISTRIBUTION

FROM: GLENN S. PODONSKY
CHIEF HEALTH, SAFETY AND SECURITY OFFICER
OFFICE OF HEALTH, SAFETY AND SECURITY

SUBJECT: 10 C.F.R. Part 851, "Worker Safety and Health"

The attached letter regarding 10 C.F.R. Part 851, "Worker Safety and Health" was sent to contract management for Department of Energy facilities (listed in attachment 2) in order to reemphasize the importance of the rule.

The Office of Health, Safety and Security will be working with your organizations to ensure that effective implementation and support are provided to increase worker awareness of their rights and responsibilities with regards to 10 C.F.R. 851.

If you have any questions, please contact me at (301) 903-3777 or your staff may contact Bill McArthur, Director, Office of Worker Safety and Health Policy, at (301) 903-9674.



10 C.F.R. Part 851, "Worker Safety and Health" Memorandum

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Washington, DC 20585

Attachment 1

November 4, 2008

Dr. Michael R. Anastasio
President
Los Alamos National Security, LLC
PO Box 1663
Los Alamos, NM 87545

Dear Dr. Anastasio:

"The worker" is the Department's most valuable asset. It is this conviction that forms the basis of the worker health and safety program mission to ensure that every worker at a Department of Energy (DOE) site returns home each day healthy and unharmed. It was on this basis that the 10 C.F.R. Part 851, "Worker Safety and Health," Program was developed.

Secretary of Energy, Samuel Bodman, in his February 2006 announcement, declared that the rule is "a major step forward in protecting the health and safety of our workers and contractors..." This Rule codified the requirements of DOE Order 440.1A, "Worker Protection Management of DOE Federal and Contractor Employees," and, as a federal regulation, now governs the development and implementation of contractor worker, health, and safety programs. The Rule requires DOE contractors to provide their workers with a safe and healthful workplace, and it establishes a baseline set of standards requiring Department-wide compliance, imposing civil penalties for contractors that fail to comply with these regulations.

The Office of Health, Safety & Security (HSS) convened Focus Group meetings over the past year and a half. These meetings, comprised of Senior HSS Managers, labor union representatives, and DOE stakeholders, identified several initiatives and activities for building on the successful implementation of the rule and for continuously improving the Department's health and safety performance. The labor unions, in particular, provided an important perspective on worker safety and health matters, and, from those perspectives, HSS has devised several areas for continuous improvement.

HSS, in conjunction with the labor unions, determined that worker involvement in the identification and control of hazards in the workplace requires further refinement and improvement, notwithstanding our prior gains. We concluded, moreover, that our workers understand the substance of the rule but that the Department must build that understanding so that they better comprehend the specifics of the rule and their rights under it. I ask for your prompt attention to these two issues and request that you assist us in the following team approach to address them:

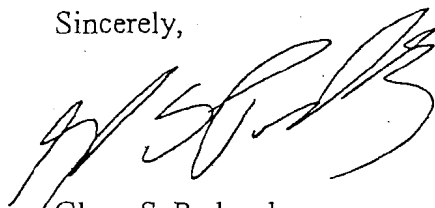


- HSS will work with DOE Program Secretarial and Field Offices to ensure contractor and subcontractor organizations have effectively implemented 10 C.F.R. Part 851. We will encourage and assist Program Offices to provide additional support, resources, or both to identify and enhance the implementation efforts, where needed, and increase worker awareness of their rights and responsibilities.
- We will expand the number of 10 C.F.R. 851-related assistance resources and develop related reference materials geared toward workers. A series of site visits to solicit feedback on 10 C.F.R. Part 851 implementation will be conducted, the main focus of which will be group meetings with workers and unions. These meetings will be conducted concurrently with other ongoing HSS activities (e.g., Voluntary Protection Program [VPP] evaluations, regulatory compliance reviews, and independent oversight inspections).
- The National Training Center will pursue a Memorandum of Understanding between HSS and the National Institute of Environmental Health Sciences to improve training through collaboration with the labor unions.
- Develop and distribute personal reference materials to workers.

In addition to our combined efforts to increase worker awareness, it is critical to evaluate our progress. The Office of Independent Oversight has recently increased its effort to assess worker understanding of 10 CFR 851 rights and responsibilities as part of their inspections. HSS will assist DOE Program and Field Offices, through training and mentoring focused on enhancing the effectiveness of routine inspections conducted as part of their contract oversight responsibilities. The Office of Enforcement will work to increase its field presence and engagement in activities assessing contractor compliance with 10 C.F.R. Part 851 and their Worker Safety and Health Programs. Finally, we will utilize the National Academy of Public Administration to develop a collaboration tool to allow HSS to obtain direct input on a range of activities to include direct worker feedback.

We encourage everyone to identify opportunities for continual improvement of our safety program. Collaboration between Department personnel, contractors, unions, and workers will enhance our success in ensuring the rights of every employee to a safe and healthful workplace.

Sincerely,



Glenn S. Podonsky
Chief Health, Safety and Security Officer
Office of Health, Safety and Security

Additional Addressees –
November 4, 2008 letter to DOE Contract
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